

City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages
City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch, CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling
City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

JULY 27, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation by Reverend Jonah Yang of the Sierra Vista United Methodist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of July 20, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 10:15 A.M.)

A. ITEM REMOVED FROM AGENDA

B. RESOLUTION – Authorizing acceptance of \$50,000 in grant funding from the State of California Department of Alcoholic Assistance to Local Law Enforcement Agencies Project – Police Dept.

Action Taken:

C. * RESOLUTION – Approving the reallocation of \$30,000 for the Fresno Police Department's California Seat Belt Compliance Campaign (CSBCC) contingency to continue to conduct seat belt enforcement operations funded by the Office of Traffic Safety– Police Dept.

Action Taken:

D. * RESOLUTION – 5th amendment to AAR No. 2004-209 appropriating \$788,900 for continuance of the U.S. Department of Justice Office (DOJ) of Community Oriented Policing Services (COPS) for the COPS Technology Initiative Computer Upgrade and Specific Project Grants – Police Dept. **(Requires 5 affirmative votes)**

Action Taken:

E. * RESOLUTION – Administrative amendment transferring \$448,000 for a tactical training unit and transferring \$500,000 to an overtime training fund for police officers – Police Dept.

Action Taken:

1. * RESOLUTION - 3rd amendment to PAR No. 2004-210 adding six positions to the Police Department

Action Taken:

F. * RESOLUTION - 10th amendment to AAR No. 2004-209 appropriating \$3,269,000 to fund construction of North Avenue street improvements, State Route 41 to State Route 99 **(Requires 5 affirmative votes)** – General Services Dept./Public Works Dept.

Action Taken:

1. * Award a contract to Henderson Construction of Fresno, CA for construction of N. Avenue Street improvements, State Route 41 to State Route 99

Action Taken:

G. RESOLUTION – Relating to the computation of time for filing documents with the City – City Attorney's Office

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- H. Authorize application to Pacific Gas and Electric Company (PG&E) for 2004 Economic Development Grants Program – Economic Development Dept.
Action Taken:
- I. **RESOLUTION** - Of Intention to Annex Final Tract No. 5137 to the City of Fresno Communities Facilities District No. 2, Annexation No. 73 and authorize the levy of special taxes – Public Works Dept.
Action Taken:
- J. Approve Substitution of Subcontractor (Best Masonry, Inc.) for the Fire Station No. 15 and No. 17 Project PW00228 – Public Works Dept.
Action Taken:
- K. Approve Substitution of Subcontractor (American, Inc.) for the Fire Station No. 15 and No. 17 Project PW00228 – Public Works Dept.
Action Taken:
- L. **RESOLUTION** - Rescinding Resolution No. 95-72 and authorizing the appropriation of surplus funds for Assessment District No. 133 for maintenance of district improvements – Public Works Dept.
Action Taken:
1. * **RESOLUTION** - 2nd amendment to AAR No. 2004-209 appropriating \$45,000 for Assessment District No. 133 for maintenance of district improvements **(Requires 5 affirmative votes)**
Action Taken:
- M. **RESOLUTION** - Of Intention to annex Final Tract No. 5233 to the City of Fresno Community Facilities District No. 2, Annexation No. 74 and authorize the levy of special taxes- Public Works Dept.
Action Taken:
- N. * **RESOLUTION** - 3rd amendment to AAR No. 2004-209 appropriating \$465,000 for the purpose of UGM reimbursements to Centex Homes for water system improvements constructed within Water Supply Service Area 501-S **(Requires 5 affirmative votes)** – Public Works Dept.
Action Taken:
- O. * Approve the purchase of a small 57-square foot public utility easement for the expansion of sewer lift Station No. 6 located at Champlain and Perrin Avenues – Public Works Dept.
Action Taken:
- P. * Approve the purchase of a neighborhood park site on the north side of Gettysburg Avenue between Polk and Hayes from Capistrano Fresno Partners II – Public Works Dept.
Action Taken:
- Q. Approve application for and acceptance of grant award for \$148,000 from the State Office of Emergency Services (OES), through the County of Fresno, and authorize the Fire Chief to complete all required documents – Fire Dept.
Action Taken:
1. * **RESOLUTION** – 4th amendment to the AAR No. 2004-209 appropriating \$148,000 from the Homeland Security Grant to the Fire Department to purchase air purifying respirators and provide hazardous materials and technical rescue training **(Requires 5 affirmative votes)**
Action Taken:
- R. * **RESOLUTION** - 2nd amendment to the PAR NO. 2004-210 adding Firefighter positions to the Fire Department beginning September 1, 2004 through December 31, 2004 (2.33 fulltime equivalents) – Fire Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- S. **RESOLUTION** – Approving the Final Map of Tract No. 5096 and accepting dedicated public uses therein; authorize Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- T. Approve Amendment No. 1 to the HOME Investment Partnerships (HOME) Program Community Housing Development Organization (CHDO) Pre-Development Agreement between the City of Fresno and the Central Community Development Center to change the project's proposed location – Planning and Development Dept.
Action Taken:
- U. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and Fresno City Employees Association, (FCEA), Unit 03, covering the period July 1, 2003, through June 30, 2005
Action Taken:
- V. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and City of Fresno Management Employees Association (CFMEA), Unit 14, covering the period July 1, 2004 through June 30, 2006
Action Taken:
1. * **RESOLUTION** - 3rd amendment to Salary Resolution No. 2004-213 amending Exhibit 2, Section 2.3 – Management Confidential Classes (CFMEA)
Action Taken:
- W. Authorize the Public Works Director to execute an agreement with the County of Fresno for paving streets by the City of Fresno within the City and County jurisdiction – Public Works Dept.
Action Taken:
- X. * **BILL NO. B-67 – (Intro. 7/20/2005) (For adoption)** - Adding Section 4-105 to the Fresno Municipal Code relating to receipt and recording of personal property – Police Department
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. **RESOLUTION** – Establishing the Central Area Citizen Advisory Committee – Planning and Development Dept.
Action Taken:

3. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Manuel Chavoya
Action Taken:

3. **JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

- B. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Redevelopment Agency of the City of Fresno v. Robert Edwards, Fresno Superior Court Case No. 03CECG00433
Action Taken:

3. **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

4. **CITY COUNCIL**

- A. **RESOLUTION** – In support of Measure “Z” – Save Our Zoo – Mayor Autry and Councilmembers Duncan and Sterling
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:40 A.M.

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda.
Presentation limited to three (3) minutes:

- A. **SCHEDULED PUBLIC COMMENT** –
1. Appearance by Jeff A. Jones to discuss a better taxing solution
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:45 A.M.

HEARING - To consider the proposed annual assessments for Landscaping and Lighting Maintenance District No. 1– Public Works Dept.

Action Taken:

- a. **RESOLUTION** – Confirming diagram and assessment and levy of annual assessment, 2004-2005 for Landscaping and Lighting Maintenance District No. 1
Action Taken:

10:00 A.M.

HEARING to consider vacation of a portion of N. Van Ness Avenue between Herndon and Beechwood - R.I. No. 1035-D

Action Taken:

- a. * **RESOLUTION** – Ordering the vacation of a portion of N. Van Ness Avenue between Herndon and Beechwood Avenues
Action Taken:

10:05 A.M.

Consider Council override of line item veto regarding Resolution No. 2004-209 (Annual Appropriation Resolution) as requested by Mayor Autry on July 2, 2004 **(Requires 5 affirmative votes)** – Councilmember Sterling

- a. **RESOLUTION NO. 2004-209** – Restoration of funding in the amount of \$1,525 million of HOME funds from the proposed Hotel Fresno Project
Action Taken:

10:15 A.M.

CONTESTED CONSENT ITEMS

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M. HEARING to consider Plan Amendment Application No. A-04-04, Rezone Application No. R-04-09, and environmental findings, filed by Ciao Properties, for 10 acres of land located on the west side of N. Grantland Avenue between W. Barstow and W. Bullard Avenues (***Property located in District 2***) – Planning and Development Dept.

Action Taken:

- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-04-04/R-04-09

Action Taken:

- b. **RESOLUTION** – Amending the 2025 Fresno General Plan and the West Area Community Plan

Action Taken:

- c. **BILL** - Amending the Official Zone Map to rezone the property **from** the RR (*Rural Residential - County*) zone district **to** the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.

Action Taken:

10:45 A.M. HEARING - To consider an amendment to the text of the Fresno Municipal Code, Text Amendment No. TA-04-01, adding “Furrier” to the C-P (*Administrative and Professional Office*) zone district subject to a conditional use permit

Action Taken:

- a. * **BILL NO. B-68 - (Intro. 7/20/2005) (For adoption)** - Amending the text of the Fresno Municipal Code adding “Furrier” to the C-P (*Administrative and Professional Office*) zone district subject to a Conditional Use Permit – Planning and Development Dept.

Action Taken:

10:50 A.M. HEARING to consider Rezone Application No. R-03-65, and environmental findings, filed by Self-Help Enterprises, pertaining to 14 acres of land located on the northwest corner of S. Willow and E. Jensen Avenues (***Property located in District 5***) – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-03-65/C-03-221/T-5210, finding of conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone the property **from** the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district **to** the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district (related Vesting Tentative Tract Map No. 5210 proposes to subdivide the subject area into a 41-lot, plus one remainder, single family residential planned development)

Action Taken:

11:00 AM #1 HEARING - Of public use and necessity for the acquisition of a permanent easement and right-of-way for public street purposes from the following contiguous parcels of real property located at the southeast corner of E. Shaw and N. Cedar Avenues in the City of Fresno: APN's 430-080-50, 430-080-61, and 430-080-62 – Public Works Dept.

Action Taken:

- a. * **RESOLUTION** – Determining that the public interest and necessity require acquisition of permanent easement and right-of-way for public street purposes from real property located at the southeast corner of E. Shaw and N. Cedar Avenues in the City of Fresno, APN's 430-080-50, 430-080-61 & 430-080-62 and authorizing eminent domain proceedings for public use and purpose

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 AM#2 Presentation by Mayor's Office and PG&E regarding "FRESNO ENERGY \$AVING\$ ALLIANCE"

2:00 P.M. City of Fresno response to the draft programmed environment Impact Report, "California High Speed Rail" Project – Public Works Dept.

Action Taken:

2:45 P.M.#1 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of June 15 and 29, 2004

Action Taken:

A. RESOLUTION – Approving and authorizing the Executive Director or the Redevelopment Administrator to execute the Disposition and Development Agreement (DD&A) between the Redevelopment Agency of the City of Fresno and Spradling Construction, Inc. to sell two (2) RDA properties for the development of a 9-lot single family residential subdivision subject to affordability restrictions for the provision of nine (9) low-income family residences **(Council and Agency action)**

Action Taken:

B. Award a contract to M.J. Menefee Construction, Inc. of Selma, CA for the Ventura/Kings Canyon Beautification Project from Freeway 41 to Chestnut Avenue – General Services Dept./Redevelopment Agency **(Agency action)**

Action Taken:

C. HEARING – Matters relating to developing a Neighborhood Youth Center and related facilities on properties near California Avenue and "C" Street in southwest Fresno GNRA Redevelopment Project Area

1. RESOLUTION - Approving Disposition and Development Agreement (DD&A) between the Redevelopment Agency and the Fresno County Economic Opportunities Commission, and making certain findings **(Council and Agency action)**

Action Taken:

2. Approve License/Permit to enter property agreement (Agency action)

Action Taken:

D. Matters relating to the Mid State Bowl property consisting of Five (5) parcels located at the southwest corner of Clinton and Weber Avenues within the Freeway 99 – Golden State Boulevard Corridor Redevelopment Project Area **(Agency action)**

Action Taken:

1. Approve Purchase and Sale Agreement between the Agency and property owner Harold and Elsie Q. Gelber Trust

Action Taken:

2. Direct the Executive Director or the Redevelopment Administrator to negotiate a Disposition and Development Agreement to dispose of the property for Redevelopment

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 2:45 P.M.#2** **CONTINUED HEARING** to consider Rezone Application No. R-04-17, and environmental findings, filed by Yamabe and Horn Engineering on behalf of Lennar Homes Inc./Cambridge Homes, pertaining to 18.27 acres of land located on the east side of S. Armstrong Avenue between E. Kings Canyon Road and E. Butler Avenue **(Property located in District 5)** – Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-04-17/T-5310, finding of conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
 - b. **BILL** - Amending the Official Zone Map to rezone the property **from** the AE-20 (Exclusive Twenty Acre Agricultural) zone district **to** the R-1(Single Family Residential) zone district (related Vesting Tentative Tract Map No. 5310 proposes to subdivide the subject area into a 91-lot single family residential development)
Action Taken:
- 3:00 P.M.** **WORKSHOP** and Council direction regarding various alternative energy initiatives - Dept. of Public Utilities and Acting President Perea
- 3:30 P.M.** Update UGM Fee Program - Public Works Dept.
1. **HEARING** to consider increasing UGM development impact fees for major streets, bridges, neighborhood parks and water
Action Taken:
 - a. * **RESOLUTION** – 417th amendment to MFS Resolution No. 80-420 increasing development impact fees for major streets, bridges, neighborhood parks and water
Action Taken:
 2. **HEARING** to amend MFS Resolution No. 80-420 increasing the UGM traffic signal impact fee and establishing a traffic signal impact fee in non-UGM areas **(Continue to 8/17/2004 @ 10:30 a.m.)**
Action Taken:
 - a. * **RESOLUTION** – 418th amendment to MFS Resolution No. 80-420 increasing the traffic signal impact fee
Action Taken:
- 4:00 P.M.** **CONTINUED HEARING** to consider Fresno City Planning Commission decision regarding Conditional Use Permit Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises **(Property located in District 2) (Continued to August 17, 2004 @ 4:30 p.m.)**
Action Taken:
- 5:00 PM#1** **HEARING** to consider Plan Amendment Application No. A-03-20, Rezone Application No. R-03-82, and environmental findings, filed by Ciao Properties, for 80 acres of land located on the east side of N. Hayes Avenue between W. Ashlan and W. Gettysburg Avenues **(Property located in District 2)** – Planning and Development Dept.
Action Taken:
- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-03-20/R-03-82
Action Taken:
 - b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the West Area Community Plan
Action Taken:
 - c. **BILL** - Amending the Official Zone Map to rezone the property **from** the RR (*Rural Residential – County*) zone district **to** the R-1/UGM (*Single Family Residential//Urban Growth Management*) zone district for a 60-acre portion of the property **and** R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district for a 20-acre portion of the property
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:00 PM#2 Direct staff to prepare the necessary documents to de-fund the newly established education related CDBG programs in the Parks, Recreation & Community Services Fiscal Year 2004-2005 budget and the increased funding for education programs in the Parks, Recreation & Community Services FY 04-05 budget above the Fiscal year 2003-2004 amount and the Fiscal Year 2004-2005 CDBG funds allocated to resettlement services, totaling approximately \$1,107,400, and prepare the necessary documents to fund the Fresno Unified School District (FUSD) elementary school music program – Council President Castillo
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug. 3 - **NO MEETING – COUNCIL VACATION**
Aug. 10- **NO MEETING – COUNCIL VACATION**
Aug. 17 - **9:30 A.M.** Resolution in support of Americans for National Parks – Acting President Perea
Aug. 17 - **10:00 A.M.** **HEARING** re: R-04-024, filed by Southern California Presbyterian Homes
Aug. 17 - **10:15 A.M.** **HEARING** re: R-04-20, CUP No. C-03-089, filed by Logan and Associates on behalf of Spalding Wathen
Aug. 17 - **10:30 A.M.** **CONTINUED HEARING** to amend MFS Resolution No. 80-420 increasing the traffic signal impact fee
Aug. 17 - **2:30 P.M.** **HEARING** re: Urban forest – PR&CS Dept. and Public Works Dept.
Aug. 17 - **3:30 P.M.** **WORKSHOP** regarding water rights – Dept. of Public Utilities
Aug. 17 - **4:30 P.M.** **HEARING** re: Fresno Planning Commission decision re: CUP Application No. C-02-226, filed by Wilkins Enterprise
Aug. 24 - **10:00 A.M.** **HEARING** re: CFD No. 2, Annexation No. 71, Final Tract Map No. 5220
Aug. 24 - **10:05 A.M.** **HEARING** re: R-04-030, Vesting Tentative Tract Map No. 5321/UGM, filed by Kiyoko Uyeno, 1999 Trust and Pleasant Valley Investments, LC.
Aug. 24 - **2:30 P.M.** **WORKSHOP** re: Bike Advisory Committee – Public Works Dept.
Aug. 31 - **10:00 A.M.** **HEARING** re: Community Facilities District No. 2, Annexation No. 73, Tract No. 5137
Aug. 31 - **10:00 A.M.** **HEARING** re: Community Facilities District No. 2, Annexation No. 74, Tract No. 5233
Sept. 7 - **NO MEETING – COUNCIL VACATION**
Sept. 14- **NO MEETING – COUNCIL VACATION**
Sept. 21 - **10:00 A.M.** **HEARING** re: CFD No. 2, Annexation No. 75, Final Tract Map No. 5262
FUTURE WORKSHOPS (Dates to be determined)
JOINT WORKSHOP re: Caltrans and City Partnership – Public Works & Planning & Development Dept.
WORKSHOP re: ADA Advisory Council – Public Works Dept. (1 hour)